

In The United States District Court
For The Middle District of
Pennsylvania

Michael Rinaldi
And those similarly situated
Vs.

John Doe #1
J.Baltazar
John Doe #2

17cv1090

FILED
SCRANTON

JUN 21 2017

EP
PER _____
DEPUTY CLERK

This Complaint is in connection with Plaintiff being forced to perform labor in violation of his Constitutional Rights.

Jurisdiction and Venue

This Court has jurisdiction pursuant to 28 U.S.C. § 1331 and because Waymart, Pennsylvania is located in the Middle District of Pennsylvania, this Court is the appropriate venue under 42 U.S.C. § 1391.

Parties

- 1.) Plaintiff, Michael Rinaldi, is a federal prisoner in the custody of the Bureau of Prison confined at United States Penitentiary Canaan.
- 2.) Defendant, John Doe #1 is the Director of the Bureau of Prisons responsible for implementing and maintaining the program statements which unconstitutionally force prisoners to work.

3.) Defendant, J. Baltazar, is the Warden of United States Penitentiary Canaan.

4.) Defendant, John Doe #2, is a correctional officer at United States Penitentiary Canaan. He is directly responsible for the supervision of Plaintiff while Plaintiff performs his job detail.

Statement of Facts

5.) While being housed in the Bureau of Prisons the defendants, J. Baltazar and John Doe #2 forced Plaintiff to perform labor which consisted of sweeping and mopping floors, cleaning and painting walls and emptying trash cans.

Plaintiff informed J. Baltazar and John Doe #2 that he did not wish to work while in custody because he was not satisfied with the wages. Defendants, J. Baltazar, and John Doe #2, told Plaintiff that he would work for nothing if they told him to and that if Plaintiff refused to work he would be placed in the hole and disciplinary action would be taken against him. Defendant, J. Baltazar, also pointed out that he read Plaintiff's files and noticed that Plaintiff was disciplined for refusing to work in the past and then he noted that if Plaintiff refuses to work again that he would personally see to it that Plaintiff suffers severe sanctions this time.

Defendant, J. Baltazar, informed Plaintiff that he did not want to go in front of the DHO at U.S.P. Canaan cause they refer to him as the "Hammer". Under these threats, Plaintiff was forced to continue to perform labor.

Claim for Relief

6.) This forced labor is a violation of Plaintiff's constitutional and statutory Rights. Involuntary servitude and forced labor have been banned by the 13th Amendment. However, Plaintiff notes that labor can be forced as a punishment for a crime. Although Plaintiff

was convicted and is serving a sentence of 248 months imprisonment, the Plaintiff was not sentenced to a term of labor. Therefore, the Bureau of Prisons does not have the authority to force Plaintiff to work. This violates Due Process and the seperation of powers doctrine.

The Bureau of Prisons is part of the Executive. They are responsible for making sure a prisoner execute the sentence imposed. The designation of an appropriate punishment for a crime is a Legislative function resting with Congress and pronouncement of sentence is a Judicial function resting with the District Court.

The statute of conviction authorizes punishment by a fine or imprisonment. It does not authorize any term of labor. The District Court sentenced Plaintiff to 248 months imprisonment. Therefore, the Bureau of Prisons cannot take it upon themselves to force Plaintiff to perform labor.

Prayer for Relief

Wherefore, Plaintiff prays for relief as follows:

- 7.) That the Court enter judgement declaring the acts of the defendants to violate the constitutional Rights of Plaintiff.
- 8.) That the Court award general damages to the Plaintiff in the amount of \$25,000.00 - Twenty five thousand.
- 9.) That the Court award punitive damages to the Plaintiff in the amount of \$25,000.00 - Twenty five thousand
- 10.) That the Court award legal fees, including filing fees and other costs associated with this prosecution to the Plaintiff.
- 11.) That the Court grant any other relief to the Plaintiff that this Court deems appropriate.

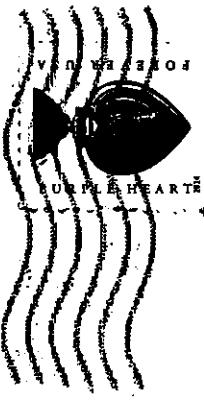
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Signature

6-19-17

Date



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